

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RODNEY HOLLOWELL,

Plaintiff,

v.

**KAISER FOUNDATION HEALTH PLAN
OF THE NORTHWEST, dba KAISER
PERMANENTE, a domestic corporation,**

Defendant.

Case No. 3:12-cv-2128-AC

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge John V. Acosta issued a Findings and Recommendation in this case on October 30, 2014. Dkt. 136. Defendant Kaiser Permanente (“Kaiser”) sought to recover \$7,943.71 in costs arising from the lawsuit filed against it by Rodney Hollowell. Judge Acosta recommended that \$4,736.60 of those costs be granted and the remainder denied. No party has filed objections.

Under the Federal Magistrates Act (“Act”), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1)(C). If a party files objections to a magistrate’s findings and recommendations, “the

court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, however, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Nor does the Act “preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. And the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.”

As no party has made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Acosta’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge Acosta’s Findings and Recommendation, Dkt. 136. Kaiser’s Bill of Costs (Dkt. 128) is GRANTED in part and DENIED in part, for a total cost award of \$4,736.60.

IT IS SO ORDERED.

DATED this 2d day of December, 2014.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge